

exposed to H₂ gas.

Group II. Claims 19 to 21, drawn to a method of treating soil microbes with H₂ gas.

Group III. Claims 22 and 23, drawn to a method of treating plants with a soil extract.

By the instant amendment, claim 19, which was an independent claim, has been amended to depend from claim 1. Support for this amendment can be found throughout the application. The amendment is shown on the attached sheet entitled "Version With Markings to Show Changes Made". No new matter has been entered.

Applicants elect Group I, including claims 1 to 18, 24, and 25, drawn to a method of growing plants in soil exposed to H₂ gas.

This election is made with traverse. At the outset, Applicants note that the independent claims (claims 1, 19, and 22) on which the Restriction Requirement was based each relate to a *method of enhancing plant growth or yield* using hydrogen gas. The claims do not satisfy the criteria of independence or distinctness as set forth in MPEP § 806.

Moreover, the alternative uses suggested by the Examiner, i.e., a method of discarding H₂ gas (Group I), or a method of selecting H₂-resistant microbes (Group II), are outside of the scope of the invention as taught in the instant application and are not claimed subject matter. Applicants refer to MPEP § 806.1, which clearly states that "it is the claimed subject matter that is considered and such claimed subject matter must be compared in order to determine the question of distinctness or independence". Applicants respectfully submit, therefore, that the instant Requirement is improper because the Examiner has not suggested alternative utilities of *the claimed invention*.

Applicants furthermore submit that restriction in respect of Groups I and II is rendered moot in view of the instant Amendment, in which claim 19, formerly independent, now depends from claim 1.

In view of the foregoing, rejoinder of claims 1 to 25 and substantive examination thereof is respectfully requested.

If the Examiner believes that a telephone call would expedite prosecution of the application, he is asked to please telephone the undersigned or Carol Miernicki Steeg (Reg. No. 39,539) at 613-533-2342.

Please charge any fees that may be required, for which no cheque is enclosed, to
Deposit Account No. 17-0110.

Respectfully submitted,



Stephen J. Scribner

Reg. No. 44,452

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PARTEQ Innovations
Queen's University at Kingston
Kingston, Ontario K7L 3N6
CANADA
tel. (613) 533-2342
fax (613) 533-6853

Version With Markings to Show Changes Made

IN THE CLAIMS:

Claim 19 has been amended as follows:

19. The method of claim 1, A method for enhancing plant growth or yield,
comprising:
~~obtaining a soil sample; and~~
~~exposing the soil sample to H₂ gas;~~
wherein said exposure of soil to H₂ enhances the ability of soil microorganisms to
oxidize H₂; and
wherein said enhanced ability of the soil microorganisms potentiates enhanced
growth or yield of a plant growing in said soil.